

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PROGRESSIVE PLAN ADMINISTRATORS, INC.,
and USI INSURANCE SERVICES LLC,

Plaintiffs,

v.

WILLIAM J. HUEBER, KINLOCH HOLDINGS, INC.,
GENATT ASSOCIATES, INC., and KINLOCH
CONSULTING GROUP, INC.,

Defendants.
-----X

Case No.
08 Civ. 2488 (AKH)(KNF)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Blair C. Fensterstock, sworn to on April 14, 2008, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, Defendants Kinloch Holdings, Inc., Genatt Associates Inc., and Kinloch Consulting Group, Inc. ("Moving Defendants"), will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, on May 14, 2008, at 10:00 am, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint as against the Moving Defendants.

Dated: New York, New York
April 14, 2008

FENSTERSTOCK & PARTNERS LLP

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USDC SDNY
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*The Motion is denied.
The pleadings are sufficient
to allege the 6th and 7th
claims for relief. The court
can be visited the merits after
discovery or, if necessary,
in connection with
a discovery dispute.*
5/9/08
Alec [Signature]